



MEMO ENDORSED

September 27, 2013

BY E-MAIL ([sullivannysdchambers@nysd.uscourts.gov](mailto:sullivannysdchambers@nysd.uscourts.gov))

Honorable Richard J. Sullivan, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl St., Room 615  
New York, NY 10007

SO ORDERED

Dated:

9/30/13

RICHARD J. SULLIVAN  
U.S.D.J.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 9-30-13

Re: Roche Diagnostics et al. v. Enzo Biochem, et al., No. 04 CV 4046 (RJS)(S.D.N.Y.)

Dear Judge Sullivan:

This letter is submitted jointly on behalf of all parties in the above referenced matter to respectfully request a brief extension of the fact discovery deadline for the limited purpose of completing discovery (document production and depositions) on financial information relating to the accused Elecsys products.

On August 9, 2013, the Court entered an Order (D.I. 115) granting the parties' joint request for a modest extension of the fact discovery deadline until September 30, 2013. The present need for an extension is based on Enzo's requests for certain further financial information with respect to the accused Elecsys products (e.g., additional worldwide and U.S. sales/revenue information). The parties have agreed that Roche will endeavor to produce this information within 7-10 days (i.e., by or before October 7) and that, within two weeks following completion of that production, Enzo will take the noticed depositions of three (3) U.S.-based Roche representatives (Mary Beth Myers, Laurie Kessler, and Mike Leous), two of whom are Roche 30(b)(6) designees concerning Elecsys revenue/damages issues.<sup>1</sup>

The parties will complete the above-outlined discovery while complying with the original deadlines for the claim construction process provided for in the Court's Scheduling Order (D.I. 99), so the proposed extension will not have any impact on other scheduled dates. Accordingly, the parties jointly request that the Court grant their application for an extension of the fact discovery deadline until October 21, 2013.

Respectfully submitted,

By: /s/ Richard C. Pettus  
GREENBERG TRAURIG, LLP

By: /s/ Robert J. Gunther, Jr.  
WILMERHALE LLP

*Attorney for the Enzo parties*

*Attorney for the Roche parties*

<sup>1</sup> The parties presently disagree on the scope of damages-related discovery which remains outstanding. Should the parties be unable to reach agreement, they will raise the issue by separate letter pursuant to Section 2.G. of Your Honor's Individual Practices.